

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

PLUMBERS, PIPEFITTERS, AND
APPRENTICES LOCAL UNION NO. 112
PENSION FUND, et al.,

Plaintiffs,

vs.

Civil Action No.
3:08-CV-2 (NAM/DEP)

FENDICK PLUMBING, HEATING &
AIR CONDITIONING, INC., et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

Blitman, King Law Firm
Franklin Center
443 North Franklin Street
Suite 300
Syracuse, New York 13204-1415
Attorney for Plaintiffs

Jennifer A. Clark, Esq.

Christina A. Fendick
69 Oakridge Drive
Windsor, New York 13865
Pro Se Defendant

Hiscock, Barclay Law Firm
One Park Place
300 South State Street
Syracuse, New York 13202-2078
Attorney for Remaining Defendants

Alan R. Peterman, Esq.

Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the

process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **"that no party hereto is an infant or incompetent"** in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: September 28, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge